

# ACTS AND LAWS,

Passed by the Great and General  
Court or Assembly of Their  
Majesties Province of the  
Massachusetts-Bay, in

## NEW-ENGLAND.

Convened and Held at Boston, the Eight Day  
of November. 1693.

*Anno Regni Guilielmi, et Mariæ, Regis et Regina, Angliæ,  
Scotiæ, Franciæ, et Hiberniæ, Quinto.*



B O S T O N .

Printed by Bartholomew Green, and Sold by  
Samuel Phillips. 1693.

# ACTS

AND

# LAW

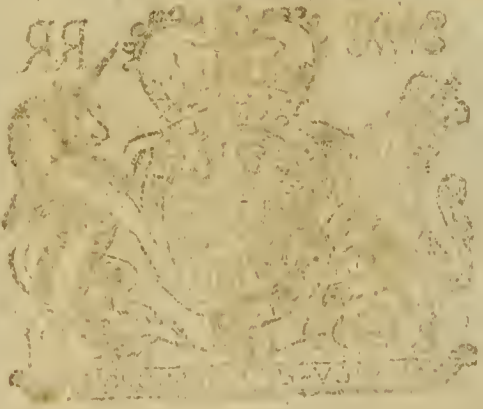
Passed by the Court and General  
Court or Assembly of Their  
Majesties Province of the  
New-England

NEW-ENGLAND

Printed by the Court and General

of the Province

at the Office of the Secretary  
of the Province



1763

Printed by the Court and General  
of the Province



Anno Regni Regis et Reginae, GULIELMI et MARIAE Quinto.

ACTS & LAWS, Passed by the Great  
and General Court or Assembly of  
Their Majesties Province of the Mas-  
sachusetts-Bay in New-England &c.

AN ACT,  
Relating to Sureties upon Mean Process  
in Civil Actions.

**B**E it Enacted by the Governour, Council, and Represen-  
tatives in General Court Assembled, and by the Au-  
thority of the same,

It is Ordered and Enacted, That where Bayle is given upon  
Mean Process in any Civil Action, not onely for the appearance of  
the party to answer the Suit, but also to abide the Order or Judg-  
ment of the Court that shall be given thereon, every such Surety  
or Sureties shall be obliged to satisfie the Judgment in case of the  
Principals avoidance and the return of *Non est inventus* upon the Exe-  
cution; unless the Surety at the time of Entring up Judgment do bring  
the Principal into Court and move to be discharged, upon which the  
Court shall Order the keeper of the Prison to receive him into Custody,  
that so his Body may be taken in Execution. And the party for  
whom the Judgment was given may have a Writ of *Scire Facias* out of  
the same Court against such Surety or Sureties, and in case no just  
cause be shown to the contrary, the Judgment shall be affirmed a-  
gainst the Surety or Sureties with the additional Costs of Suit and  
Execution be accordingly granted.

*Ordained*

Alwayes Provided, that such Writ of *Scire Facias* be taken out  
and served upon the Surety within Twelve Moneths after the first  
Tryal and not afterward, and every Surety of whom such recovery  
is made may bring his Action for damages against the principal  
debtor.

## AN ACT

## For Passing of Sheriff's Accompts.

**B**E it Enacted by the Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

That every Clerk of the Peace in each County within this Province, and Clerk of Assize shall deliver unto the Sheriff of the County a perfect Extreat of all Fines, Issues, Amerciaments, Recognisances, Moneys and Forfeitures, imposed, set, lost or Forfeited in any Sessions of the Peace, Court of Assize and general Goal delivery, or special Court of Oyer and Terminer, by any Person due to Their Majesties, within the space of Thirty dayes next after the Ending of the said Courts respectively; and within said time shall deliver unto the Treasurer and Receiver general of said Province a Perfect Schedule of all such Extreats by him delivered to the Sheriff, on Pain of Forfeiting to Their Majesties for the support of the Government, the Sum of Five Pounds for each neglect, upon Conviction thereof before the Justices of the same Court.

And the Justices of each of said Courts respectively are hereby Impowred, to Audit Examin and Adjust the said Accompts of the Sheriff, and upon Payment of what shall be found remaining due thereupon to grant the Sheriff a *Quietus est*.

And whensoever any Sheriff upon passing his Accompts, shall have his *Quietus est*, he shall be thereby absolutely discharged of all Sums of Money by him Levied and Received and pretended not to be accounted for within the said Accompt whereupon he had his *Quietus*; unless such Sheriff shall be called in Question for such Sum or Sums of Money so pretended to be Levied, within Two year's after the time of such Accompt and *Quietus*.

AN



# AN ACT,

## For Regulating of the Militia.

**W**HEREAS for the Honour and Service of Their Majesties, and for the Security of this Their Province against any Violence or Invasion whatever ; It is necessary that due care be taken that the Inhabitants thereof be Armed, Trained, and in a suitable posture and readiness for the ends aforesaid ; and that every Person may know his duty and be Obliged to perform the same.

Be it therefore Enacted by His Excellency the Governour, Council, and Representatives in General Court Assembled, and it is Ordained and Enacted by the Authority of the same.

1. That all Male Persons from *Sixteen* Years of Age to *Sixty*, *Persons liable* (other than such as are herein after Excepted ) shall bear Arms and duely *to Train.* attend, all Musters and Military Exercises of the Respective Troops and Companies where they are listed or belong, allowing Three Moneths time to every Son next after his coming to *Sixteen* years of Age ; and every Servant, so long, after his time is out ; to provide themselves with Arms and Ammunition &c.

2. And the Clerk of each Troop and Company once a Quarter yearly shall take an Exact List of all Persons living within the Precincts of such Troop or Company, and present the same to the Captain or Chief Officer, on pain of Forfeiting *Fourty Shillings* for each default, to be paid to the Captain or Chief Officer to the use of the Company. And in case of non payment, to be levied by distress and sale of the Offenders goods, by vertue of a Warrant from the Captain or Chief Officer, who is hereby Impowred to grant the same. *Clerk to take a list four times a year.*

3. That every Person listed in any Troop or Company shall so continue and attend all duty in such Troop or Company, or otherwise suffer the Penalty by Law provided, until orderly dismiss or removed out of the Town or Precinct, and in case of Removal into the Precinct of another Company in the same Town, to produce a Certificate under the hand of the Captain or Chief Officer of the Precinct whereto he is removed, that he is listed there. *Persons to attend duty where listed till orderly dismiss.*

4. If any Person liable to be listed as aforesaid, doe exempt himself by Shifting from house to house or place to place, to avoid being  
*Penalty on such as shall Shift to avoid listing.* to be listed; he shall pay as a fine for every such Offence, to the use of the Company to which he belongs *Ten Shillings* being Convicted before any Justice of Peace of the County.

5. That every listed Souldier and other Householder (except Troopers) shall be alwayes provided with a well fixt Firelock *Musket*, of Musket or Bastard Musket bore; The Barrel not less then *three foot* and a half long, or other good Fire Arms to the Satisfaction of the Commission Officers of the Company, a *Snap sack*, a *Collar* with Twelve *Bandealers* or *Cartouch-box*, one Pound of good *Powder*, Twenty *Bullets* fit for his Gun, and Twelve *Flints*, a good *Sword* or *Cutlace*, a *Worm* and *Priming-wire* fit for his Gun; on penalty of *Six Shillings* for want of such Arms as is hereby required, and *Two Shillings* for each other defect, and the like Sum for every four weeks he shall remain unprovided; the Fine to be paid by Parents for their Sons under Age and under their Command; and by Masters or heads of Families, for their Servants, other than Servants upon Wages.

*Foot Souldiers how to be Armed.*

6. That every Trooper shall be alwayes provided with a good servicable *Horse* of *Five Pounds* Value, and not less then *Fourteen* hands high, (the same to be determined by the two Chief Commission Officers) Covered with a good *Saddle*, *Bit*, *Bridle*, *Holsters*, *Pectoral* and *Crooper*; and furnished with a *Carbine*, the Barrel not less then two Foot and half long, with a *Belt* and *Swivel*, a case of good *Pistols*; with a *Sword* or *Cutlace*, a *Flask* or *Cartouch-box*; one Pound of good *Powder*, three Pounds of *Sizeable Bullets*, Twenty *Flints*, and a good Pair of *Boots* and *Spurs*; on penalty of Twelve Shillings for want of such *Horse* as is hereby ordered, and three Shillings a Piece for every other defect, and the like Sum for every Six-weeks he shall remain unprovided; and that each Trooper list his *Horse*, and shall not dispose thereof without the consent of his Chief Officer on the penalty of *Five Pounds*: And for non Appearance at the time and place appointed for Exercise, every listed Trooper for each dayes neglect shall pay *Ten Shillings* Fine.

*Troopers how to be furnished.*

7. That there may be two Troops in a Regiment, each of which Troops shall not Exceed Sixty men with Officers.

8. That Regimental Musters shall be but once in three years, (Except in *Boston*) And every Captain or Chief Officer of any Company or Troop in any Regiment, shall be obliged on penalty of *Five Pounds*, to draw forth his Company or Troop or cause them to be drawn forth *Four* dayes Annually, and no more, to Exercise them in Motions, the use of Arms, and Shooting at Marks, or other Military Exercises, which every person liable to Train having been duely Warned, and not appearing, and attending the same, shall for each dayes neglect pay a Fine of *Five Shillings*.

*Regimental Musters, & Training of particular Companies.*



9. That the Commission Officers of any Company or Troop or the Major part of them, may order the Correcting and Punishing of orders and contempt on a Training day, or on a Watch, the Punishment not being greater then laying Neck and Heels, Riding the Wooden Horse, or *Ten Shillings* fine. *Commission Officers power.*

10. That there be Military Watches appointed and kept in every Town at such times, in such places and in such Numbers; and under such Regulations as the Chief Military Officers of each Town shall appoint, or as they may receive orders from the Chief Officer of the Regiment: And that all persons able of Body or that are of Estate (and not Exempted by Law) shall by themselves or some meet person in their stead, to the acceptance of the Commander of the Watch, attend the same, on penalty of *Five Shillings* for each defect; there having been due Warning given. *Military Watches.*

11. Every Souldier or other Person liable by Law, refusing or neglecting to attend Military Exercises, on Training dayes; or Military Watches that shall not pay, or have no Estate to be found whereon to levy the fine, it shall be in the power of the Captain, or Chief Officers of such Company on the next Training day after such neglect (he not having satisfied the Clerk) to punish him for such offence, by laying Neck and Heels, or Riding the Wooden Horse, not exceeding one Hours time: And if such delinquent shall absent himself the second Training day, without giving sufficient reason to the Captain, or Chief Officer for the same; it shall be in the power of the Chief Officer of the Company to direct a Warrant to the Constable of the Town, requiring him to apprehend such delinquent, and bring him into the Field, that he may be punished according as by this Law is provided, and all Constables are hereby Required to Execute such Warrants accordingly. *Penalty for not attending Military Exercises.*

12. That the Persons hereafter Named be Exempted from all Trainings. *Viz.* The Members of the Council, the Representatives for the time being, the Secretary, Justices of the Peace, President, Fellows, Students, and Servants of Harvard Colledge Exempted by Colledge Charter, Masters of Art, Ministers, Elders and Deacons of Churches, Sheriffs, allowed Physicians, or Chyrurgions, and Profest School-Masters, all such as have had Commissions, and Served as Field Officers, or Captains, Lieutenants, or Ensignes, Coroners, Treasurers, Attorney General, Deputy-Sheriffs, Clerks of Courts, Constables, Constant Ferry-men, and one Miller to each Grist-Mill: Officers imployed in and about Their Majesties Revenues, all Masters of Vessels of Thirty Tuns and upwards, usually imployed beyond Sea, and constant Herdsmen, Lame Persons or otherwise disabled in Body (producing Certificate thereof from two able Chyrurgions) Indians and Negros. *Persons Exempted from Training.*

13. That the Persons hereafter Named be and hereby are Exempted from Military Watches and Wardings. *Viz.* The Members of the Council, Secretary, Representatives for the time being, President, Fellows, & Students *Persons Exempted from Military Watches &c.*

*Students of Harvard Colledge, and the Gentlemen belonging to the Troop of the Governours Guard, Ministers and Elders of Churches, allowed Physicians and Chyrurgions, Constables, constant Ferry-men, and one Miller to each Grist-Mill.*

*Commission* 14. That the Captain and Commission Officers of each Company or Troop shall and hereby are fully impowred to Nominate and Officers to appoint meet persons to Serve as *Serjeants* and *Corporals* in the Respective Companies or Troops, and displace them, and appoint others in their Room, as they shall see meet.

*View of Arm's.*

15. That twice every year or oftner if required every Captain or Chief Officer of each Company or Troop shall give order for a diligent enquiry into the state of his Company, and for taking an Exact List of the Names of his Souldiers and Inhabitants within the Limits of his Company, and of the defects of Arms or otherwise, and Names of the defective Persons, that they may be prosecuted as the Law hath provided, and such care may be taken as is proper to remedy the same.

*How persons unable to purchase Arm's may be provided.*

16. That if any Person, who is by Law obliged to provide Arms and Ammunition, cannot purchase the same by such means as he hath, if he bring to the Clerk of the Company Corn or other Merchantable Provision, or vendible goods, so much as by Apprizement of the Clerk and two other Persons mutually chosen, shall be judged of greater value by one fifth part, than such Arms or Ammunition is of : he thereupon shall be Excused from the penalties for want of Arms and Ammunition, until he can be provided, which said Clerk shall provide as soon as may be by Sale of such goods, and render the overplus to the party if any be : But the party shall notwithstanding give his personal attendance upon all occasions as other Souldiers, until he be supplied, and at such times shall perform any proper Service he may be put upon by the Captain or Chief Officer of the Company he belongs to ; but if the person be judged unable to buy Arms, or to lay down the value proposed, if he be a single man, he shall be put out to Service, by the two next Justices of Peace, to earn wherewith to buy Arms and Ammunition ; if such person have a Family and be judged unable, by the Captain and Major part of the Select men to lay down such value for the end aforesaid, then he shall be provided for out of the Town Stock, or by Arms procured at the Towns charge, until such time as he be judged able to provide for himself, and such Arms to be under the care of the Chief Military Officer and the Select men of the Town.

*How Drums, Trumpets &c are to be provided.*

17. That Drums, Drummers, Trumpets, Trumpeters, Colours and Banners be by the Commission Officers of each Troop or Company provided at the charge of the respective Companies and Troops, where they are not already provided, and the Fines will not reach to procure the same, and that such as have been employed as Drummers or Trumpeters or are fit and capable thereof, being appointed unto such Service by the Chief Officer of any Company or Troop, shall attend the Service, on penalty of Forty Shillings Fine, and every Drummer for a years Service shall have

*Twenty*



*Twenty Shillings* if he find his own Drum, and *Ten Shillings* if the Captain finds the Drum; and a Trumpeter *Fourty Shillings* a year, if he find his own Trumpet; and *Twenty Shillings*, if the Captain finds it.

18. That such meet Person as by the Commission Officers of any Company or Troop shall be appointed Clerk, and shall refuse to serve, shall pay *Fourty Shilling* fine, and another be chosen in his room, and so until one do accept; which Person shall be under Oath for the faithful discharge of his Office, to be Administred unto him by a Justice of Peace in the same County, in the words following: *You do Swear truly to Perform the Office of Clerk of the Military Company under the Command of A. B. Captain, to the utmost of your skill and power, in all things appertaining to your Office, according to Law: So help you God.* And for every distrainment made for any fine not exceeding *Fourty Shillings*, he shall have one quarter part for his pains and trouble. And for such fines he may distrain *Ex Officio*; and in distraining shall observe such Rules as the Law hath provided in other cases; and upon Ten days notice shall account with and pay to the Captain or Chief Officer what fines he hath received, his own part being deducted.

19. The Chief Military Officer of each Regiment as often as he shall see cause, shall require the Captain or Chief Officer of each Company in his Regiment to meet at such time and place as he shall appoint, and then with them to confer and give in charge such Orders as shall by them or major part of them be judged meet, for the better ordering and settling their several Companies, and for the better promoting of Military Discipline amongst them: And the Chief Officer is hereby impowred by his Warrant directed to any Clerk or Officer of his Regiment to summon or cause to be brought before them any Offender against the Laws Military, and according to Law to hear and determine all matters proper for their Cognizance, and to give sentence, and to grant Mittimus or Warrants for Distrainment to the Clerk of the Company where the Offence is Committed, for executing which Warrant, if above *Fourty Shillings*, he shall have *Ten Shillings* out of the same for his pains and trouble therein; and no more.

20. That there be a Stock of Powder and Ammunition in each Town Provided, and from time to time as there is need, be renewed by the Select men; which shall be a Barrel of good Powder, two Hundred weight of Bullets, and three hundred *Flints* for every Sixty listed Souldiers, and after that Proportion for the listed Souldiers of each Town, whether more or less; Also that the Select men procure such a number of Arms and so much Ammunition as shall be made appear by the Chief Commission Officers of each Company in the several Towns to be needful for the supply of such Poor as by Law they are to provide for: And such Town as cannot make it appear to the Chief Commander of the Regiment that they are thus provided at or before the first of *May* next, shall pay *Five Pounds* fine, which shall be distrained by Warrant from said Officer directed unto the Constable upon the Select men of the Town or any of them, and disposed of for the use of said Town towards the supply of such Stock; and the like Sum for every three Months they shall remain so unprovided.

21. And



21. And the Select men where there is not a sufficient Stock of Powder, Arms and Ammunition, and in such Towns where there is need of Watch houses, Firing and Candles for their Watches ; in such case the Select men for so much as is wanting are to procure or fixtly what is required or needed as before, shall make provision for the same by a Rate equally and justly laid upon the Inhabitants and Estate in such Towns, and such Rate signed and Committed by them to the Constables to collect, who shall and hereby are required and Authorized to collect the same ; and for non payment to distrain as for other Rates, and the Money or pay collected to be brought into the Chief Military Officers and Select men of the Town, to be by them improved for the ends aforesaid. And the Select men or so many of them as shall neglect their duty herein, shall pay *Twenty Shillings* fine, to be paid to the Captain for the use of the Company, being convict before two Justices of the Peace, who are hereby impowred to convent the party, and to hear and determin the same, and if need be, to appoint other meet Persons in such Towns under the like penalties to perform said Service.

*Penalty for neglect.*  
*Clerk ex Officio not to distrain with in four days.*  
*Penalty for his neglect to account &c.*

22. That no Clerk *Ex Officio* make distraint for any fine untill four dayes after the Offence committed ; that so the party may have opportunity to make Excuse, if any he have, why he should not pay the fine ; and every Clerk that neglects or refuses to account or make payment, as by this Law is provided, he by a Warrant from the Chief Officer of the Company directed to the Constable, may be distrained on for so much as he hath or should have collected or distrained for.

*Penalty for Officers disobeying their Superiour Officers*

23. That all Officers yeild Obedience to the Warrants or Commands of their Superiour Officers on Penalty of *Five Pounds* ; to be heard and determined at the next meeting of the Chief Officers and Captains of the Regiment ; and the fine to be taken by distress and Sale of the Offenders goods returning the overplus ( if any be ) by Warrant from the Chief Officer of the Regiment directed to the Clerk of the Company to which such Offender belongs, and to be improved to the use and benefit of such Company as the Officers so met shall agree, their Expences being first defray'd out of the same.

*Alarm.*

24. That an Alarm at the Castle upon Castle Island neer *Boston* being made upon such causes as are agreeable to Instructions to be given by the Governour to the Captain of the Castle, shall be by putting out two *Flags*, and firing of two *Guns* towards the Town ; at which time there shall with all possible speed such numbers be sent down for their releif as the Governour and Captain General, or such Person as shall be Commander in Chief in his absence, shall think necessary. At any other place an Alarm may be made by firing three *Guns* one after another, or by firing a *Beacon*, their *Drums* beating an Alarm, all Persons being called upon to Arm : Upon which all the Trained Souldiers, and others capable to bear Arms that are then Resident in any Town, shall forthwith appear compleat with their Arms and Ammunition according to Law, at the usual place of Rendezvous,



devout, or where the Chief Officers shall appoint; there to attend such Commands as shall be given for their Majesties Service, and that on the Penalty for Penalty of Five Pounds fine, or three Moneths Imprisonment: The members of the Council, Justices and Sheriffs to attend upon the Governour, if at or near Boston, and in other places, to appear and advise with the Chief Military Officers of the Town, and to be Assisting in Their Majesties Service according to their Quality; and such Alarms shall at all times be carried on from Neighbour-hood to Neighbour-hood, and from Town to Town throughout the Province, and from such Town where the Alarm is made, there shall be forthwith dispatched one or more Horse-men, to signify the Occasion thereof to the Justice of Peace, Chief Military Officer or Constable of the next Town or Towns, which all Persons are to take notice of and attend as is before directed: And if the Alarm be made either from a Sea-port Town, or other Town that lyes a Frontier to or in great danger of the Enemy; the Captain or Captains of the Adjacent Towns shall forthwith go with or send such releif, as they shall judge meet for the Offence of the Enemy, or defence of themselves and Neighbours, but so as to be observant to any Commands or Orders they may receive from their Superiour Officers: And if any Person shall wilfully make a false Alarm, he shall be fined to Their Majesties Twenty Pounds for support of the Government, or suffer Six Moneths Imprisonment.

*Releif be sent to Frontiers.*

*Penalty for a false Alarm*

25. No Officer Military or Civil or other Person shall Quarter or Billet any Souldier or Seaman upon any Inhabitant within this Province, without his consent (other than the Publique Licensed Houses) under the penalty of one Hundred Pounds; to be recovered by Action Bill Plaint or Information, in any Court of Record; one half to Their Majesties, for the support of the Government; the other half part to the party grieved that shall inform and sue for the same. And every such Inhabitant may refuse to Quarter any Souldier or Seaman notwithstanding any order whatsoever.

*Penalty for Quartering Souldiers &c upon Inhabitants.*

26. That all Persons Exempted by this Law from Trainings, shall notwithstanding be provided with Arms and Ammunition Compleat upon the same penalty, as those that are obliged to Train.

27. All Fines, Penalties and Forfeitures arising by Vertue of this Act or any breach thereof (not otherwise disposed of therein) shall be for the use of the Regiment, Company, or Troop respectively: That is to say, for procuring and repairing Drums, Trumpets, Colours, Banniers, Halberts, paying of Drummers and Trumpeters, or other charge of said Company; and the overplus (if any be) to be laid out in Arms and Ammunition for a Town Stock, and be recovered by Action, Bill, Plaint, or Information in any of Their Majesties Courts of Record.

*Fines & Forfeitures how to be disposed & recovered*

*Branch*



## AN ACT,

## For Levyng Souldiers.

**F**OR the more speedy Levyng of Souldiers for Their Majesties Service, and the better to prevent disappointments through default in any improved therein, or by non-appearance of such as shall be appointed to said Service.

Be it Enacted by His Excellency the Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

Penalty for  
not attending  
upon an Im-  
press.

That every Person liable and fit for Service, being orderly detached or Impressed for Their Majesties Service, by vertue of a Warrant from the Captain or Chief Officer of the Company or Troop whereto he belongs, and being touched or Comanded in Their Majesties Name to attend said Service, shall by himself or other meet Person in his room (to the acceptance of his Captain or Chief Officer) attend the same at time and place appointed; on pain of suffering three Moneths Imprisonment, to be committed by Mittimus from any Justice of the Peace; or Chief Officer of the Company, where no Justice of the Peace is in the Town; upon conviction of such neglect; unless such Person within the space of two Hours next after his being Impressed, shall pay down to his Captain or Chief Officer that granted the Warrant, the Sum of Five Pounds; to be improved for the procuring and fitting out of suitable Persons on that present Service, if timely to be had; or otherwise to be remitted by said Officer unto the Treasurer or Select men of the Town where such Person dwells, to the use of said Town, for and towards a Stock of Arms and Ammunition: And all Persons so paying the said fine of Five Pounds shall be esteemed to have Served, and be no further or otherwise liable to any after impress, than those that actually go forth in Service at that time.

Fine how to  
be employed.

Every Chief Officer of a Regiment who shall neglect or not do his utmost to send forth his Warrants seasonably, for the detaching or impressing so many men as shall be required, shall pay Twenty Pounds fine: And every Captain or other Chief Officer of any Company or Troop that shall not use his utmost endeavour according to Warrant to him directed, to detach or impress, or cause to be detached or impressed, and have so many men at the place of Randevouz, in time as by Warrant



is required, shall pay *Ten Pounds* fine: And every Officer or Souldier that shall receive a Warrant from his Captain or Chief Officer, for the detaching or Impressing of men; shall forthwith attend and perform the same on pain of *Five Pounds* fine; and all Persons are required to be aiding and assisting to him in the Execution of such Warrant on the Penalty of *Fourty Shillings*; the said fines or Sums of Money respectively to be unto Their Majesties for and towards the support of the Government, and to be recovered by Bill, Plaint, or Information, in any Court of Record.

*Penalty for not attending warrants of Impress &c.*

*Penalty on Persons refusing to assist in Execution thereof.*

**And be it further Enacted by the Authority aforesaid,**

That all Souldiers shall be in pay from the time of their being detached or impressed, till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode. And if any Person directly or indirectly by Counsel or otherwise, prevent the impressing, conceal any Person impressed; or knowingly further his escape, such Person shall pay as a fine, *Fourty Shillings*. And all Persons lawfully impowred to press, may pursue any Person that hides from the Press, or makes his escape, and may by himself or deputy impress such Person in any place, within the Province. And if any Impressed for Their Majesties Service, shall remove or go out of the Province, and not attend the Service as required, such Person at his return shall be apprehended by Warrant from any Justice of the Peace; and by him committed to the common Goal of the County where he shall be taken, to suffer three Months imprisonment, and before he be released shall also pay a fine of *Five Pounds*, to the use of the Town whereto he belonged at the time of his impressing.

*Penalty on Persons avoiding the Impress, and any furthering their Escape.*

If any Person Authorized to detach or Levy Souldiers for Their Majesties Service, shall Exact or take any reward to discharge or spare any from said Service, he shall forfeit *ten times* so much as he shall so Exact or take; one Moiety thereof unto Their Majesties for and towards the support of the Government, and the other Moiety to him or them that shall inform and sue for the same, by Action, Bill, Plaint, or Information in any Court of Record.

*Persons Authorized to Impress, not to discharge or spare any for Reward.*

No Souldier retained in Their Majesties Service and borne in their pay, in Garrison or elsewhere, shall depart without Licence of his Commander, on pain of being proceeded against as a Felon, and shall suffer the pains of *Death*: And every Justice of Peace within his Precinct is hereby Authorized and required to cause all such deserters or run-away Souldiers, which he shall know or be informed of, to be apprehended and secured, in order to Tryal at the next *Affizes*, to be holden for the same County where they shall be taken.

*Felony for any Souldier to desert his Post.*

*Justice of the Peace to apprehend deserters &c.*

**And further it is Enacted,**

That all such Souldiers and Seamen that have been wounded in Their Majesties Service within this Province, and are thereby Maimed or otherwise disabled, and had yearly Pentions allowed them by the former Government for their releif, shall have the continuance of the same (during their abode in this Province) to be paid them out of the Publick Treasury. And all such Souldiers and Seamen as at any time hereafter shall be Maimed or otherwise disabled by any wound received in Their

*Pentioners.*

Majesties Service within this Province, shall be relieved out of the Publick Treasury, as this great and General Court shall order.

*Loss of Arms*

*Allowance  
for use of  
Arms.*

*Penalty for  
dismissing a-  
ny Person re-  
tained & as-  
suming ano-  
ther for gain*

If any Souldier shall lose his Arms in Their Majesties Service not through his own neglect or default, such loss shall be borne by the Publick: And in case any Souldier be furnished with Arms for any Expedition in said Service; he shall allow out of his wages *Four Pence Per. Week* for the same; and return such Arms, or other wise pay the value thereof.

Every Captain or other Chief Officer that dismisseth any Person retained, and assumeth another for gain; such Captain or other Chief Officer shall forfeit *Twenty Pounds*, to Their Majesties for and towards the support of the Government, to be recovered as aforesaid.

Provided that this Act nor any clause or Article thereof shall continue in force any longer than the present War with the *French*, any thing therein contained to the contrary thereof notwithstanding.

# AN ACT

## For putting & keeping in Repair the Town-house in Boston.

**W**HEREAS the Town-house in Boston within the County of Suffolk has formerly been and is still continued to be made use of for the holding of Councils, Courts of Judicature, and other Publick Assemblies for the whole Province, and has been accustomed to be upheld and repaired in part at the charge of the late Colony of the Massachusetts, part at the charge of the said County, and part at the charge of the said Town.

Be it Enacted by the Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

*Charge of  
Repairing  
the Town-  
house in  
Boston pro-  
portioned.*

That the Charges of Repairing the said House be from time to time continued, to be answered and paid in proportion following; *That is to say*, one half part thereof out of the Publick Revenue of the Province, one quarter part out of the Treasury of the said County, and the other quarter part out of the Treasury of the said Town. And the Select men of Boston, from time to time as there shall be need, are to take care that the said House be sufficiently Repaired, and to lay the Accompt of the Charge before the Governour and Council; as also before the Justices in Quarter Sessions, that so orders may be respectively given as well for payment of the part thereof belonging to the Province, as that belonging to the County, according to this Act.



## AN ACT,

## For High-ways.

**F**OR the better amending and keeping in repair and clear the High-ways, and common Roads, leading from Town to Town and place to place; and for laying out new High-ways, and turning old High-ways where it shall be needful.

Be it Enacted by the Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That there be Annually chosen two or more Free-holders in each Town respectively within this Province, to be Surveyers of the High-ways, who shall be Sworn before some Justice of the Peace in the County, diligently and faithfully to perform the said Office for the year ensuing; which Surveyers shall take care that all High-ways, Private-ways, Causeys, and Bridges, lying within the Precincts of such Town, be kept in repair, and amended from time to time, when and so often as shall be needful, at the charge of such Town (where it is not otherwise settled) that so they may be safe and convenient for Travellers, Teems and Drovers: And the Surveyers are hereby Impowred to cut down dig up or remove, as well all sorts of Trees, Bushes, Stones, Fences, Rayles, Gates, inclosures or other thing or things, as may any wayes streighten, hurt, hinder or incommode the High-ways: As also to dig for Stone or Gravel, Clay, Marl, Sand or Earth in any Land nor Planted or inclosed, and to Preſs any Carriage, Work-men or other things fit to be Employed in the High-ways, for such reasonable satisfaction to the parties concerned as such Surveyers can agree for; and in case of disagreement, such as the two next Justices shall appoint.

And the Surveyers shall appoint certain dayes for providing Materials, and working in the High-ways; having respect to the Season of the year, and the Weather, and giving convenient Publick notice; at which dayes all persons liable to work (that is to say, from Sixteen years old and upward) by themselves or other sufficient Persons in their stead, shall attend: And if any Person make default of attending the said work, by himself or other sufficient Person in his stead, or with his Cart and Teem, as he shall be appointed, upon complaint and proof thereof before the next Justice of Peace (without reasonable Excuse made and allowed by such Justice) he shall cause to be levied of every such offenders goods,

*Surveyers of High-ways to be annually chosen & Sworn.*

*Their Power*

*Surveyers to give publick notice for working on the High-ways.*

*Penalty of non-attendance.*

the Sum of *Two Shillings Six Pence* for each dayes neglect of Labour, besides the charge of making distress; and for default of their Cart, and Team *Six Shillings Per Annum*, with charge of distress as aforesaid.

**And further it is Enacted by the Authority aforesaid,**

*Quarter Sessions to give order for laying out new High-ways or altering old ones.*

That where a new High-way or common Road from Town to Town, or place to place shall be wanting, and where old wayes with more conveniency may be turned or altered, upon Application made to the Justices in Quarter Sessions, within the same County, the said Court may appoint a Committee of two or three sufficient Freeholders of the next Towns, who shall have most Occasion of said way, to inquire into the necessity and conveniency thereof, and to make their Report thereon; and being judged to be of common necessity or conveniency; the Justices of said Court shall order a Warrant to the Sheriff or his Deputy to Summon a Jury out of the next Towns, to meet at some convenient day and place therein mentioned, to view and lay out such High-ways, or Roads, who shall have an Oath Administred unto them by a Justice of Peace, to lay out such way according to the best of their skill and judgment, with most conveniency to the Publick, and least prejudice or damage to any particular Person; which having done, the Sheriff or his Deputy is to make return thereof, at the next Court of Quarter Sessions of the County where the same way is, as well under his own as the hands of the Jurors, by whose Oath the same is laid out, to the end the same may be allowed and Recorded, and after known for a Publick High-way.

*Damage in proprieties to be made good*

**Provided** that if any Person be thereby damaged in his propriety or improved grounds, the Town shall make him reasonable satisfaction by the Estimation of those that laid out the same: And if such Person so damaged find himself aggrieved by any act or thing done by the Jury, either in laying of the said way, or Estimate of his damages, he may apply unto the Court of Quarter Sessions for Relief, before any allowance or determination be made by them; who are hereby Impowred to hear and determine the same; but if no sufficient cause appear for complaint, he shall pay all charges arising thereby.

**And be it further Enacted,**

*Select mens power to lay out private wayes.*

*Recompence for damage:*

That the Select men of each Town respectively be and are hereby Impowred, by themselves or others whom they shall appoint, to lay out or cause to be laid out, particular and private wayes for such Town onely, as shall be thought necessary; so as no damage be done to any particular Person in his Land or Propriety without due recompence to be made by the Town, as the Select men and the party interested may agree; or as shall be ordered by the Justices in Quarter Sessions upon inquiry into the same by a Jury to be Summoned for that purpose.

**And it is further Enacted.**

*Nuisance upon High-ways to be removed.*

That if any Person or Persons shall Erect, or set up any Gates, Rayles, or Fence upon or across any High-way or Country Road, or continue any such to the Annoyance and Incumbrance of the same (other than such as shall be allowed by the Court of Quarter Sessions within the County)

it



it shall be deemed a common *Nuisance*, and it shall be lawful for any Person or Persons to pull down and remove the same : And if any such Incumbrance be in any particular or private way, allowed and settled by any Town, upon complaint thereof made to the next Justice of the Peace, he shall appoint a Committee of two or more discreet and indifferent Persons to view such Incumbrance and cause the same to be removed : And if any Person be agrieved at the removal of any such Gate, Bars or Fence, he shall be heard at the Quarter Sessions within the same County, and upon just cause shown, shall be by them relieved.

And be it further Enacted by the Authority aforesaid,

That if through neglect or not keeping in sufficient repair any *High-way*, *Causey-way*, or *Bridge*, any Person happen to lose his life in passing any such *High-way*, *Causey-way* or *Bridge*, or lose a Limb, break a Bone, or receive any bruise or breach in any part of his Body, through any defect in or want of necessary repair of such *High-way*, *Causey-way* or *Bridge* ; the County or Town respectively to which of right it belongs to maintain, and keep the same in repair ; having been warned or notified of such defect and need of repairs and amendment thereof, either in writing under the hand of two witnesses, or by presentment thereof made at the Sessions of the Peace ; shall pay unto the Parents, Husband, Wife, Children or next of Kin to any Person so losing his or her life the Sum of *One Hundred Pounds* ; and for any other harm as aforesaid double the damage sustained thereby ; to be ordered and set upon them by the Justices of the same County in Quarter Sessions ; who are hereby Impowred thereto ; and to render like recompence for any carriage, Cart, Horse or other beast harmed or lost proportionable to the damage suffered.

*damage hap-  
ping through  
defects in  
wayes or  
Bridges.*

And if any Person chosen a Surveyer shall refuse to accept and take his Oath, he shall forfeit *Twenty Shillings*, and having accepted do neglect his duty shall forfeit for every neglect *Five Pounds* ; the said forfeitures respectively to be to the use of the Town, and to be recovered by complaint before the next Justice of Peace, or at the Sessions of the Peace in the same County.

*Penalty on  
Surveyers re-  
fusing to ac-  
cept or neg-  
lecting their  
duty.*

No Person to be charged above a due proportion to the *High-ways* either in labour or Teems.

# AN ACT,

## For Regulating of Fences, Cattle &c.

**F**OR the better preventing of damage in Corn fields, and other improved, and common Lands, by Horses, Neat Cattle, Sheep or Swine, going at large.

Be it Enacted by the Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

*Fence-viewers to be chosen & sworn*

*Hawards or field drivers.*

*Fences of 4 foot high to be accounted sufficient.*

*Penalty for not repairing insufficient Fence.*

*how to be recovered.*

*None but proprietors & freeholders to have any*

*Horse run to feed on the common.*

That in every Town and peculiar within this Province, there be Annually chosen by the Inhabitants thereof (at the time of their Meeting to choose select men and other Town Officers) two or more meet Persons, to be viewers of Fences; who shall be Sworn before a Justice of Peace, to the faithful discharge of their Office, in the particulars committed to their care by this Act: As also two or more Persons for *Hawards*, or *Field drivers*. And that all Fences of four foot high, being of Five Rayles, or four that are Equivolent, Boards, Stone-wall, Brooks, Rivers, Ponds or Clicks equivalent thereto, in the judgment of the Fence viewers shall be accounted sufficient Fences: And all Fences in common fields and other grounds under improvement that shall be judged insufficient by the Fence viewers, and notice thereof given to the party that of right ought to maintain the same, he shall sufficiently repair and amend all defects therein within the space of Six dayes next after such notice given him; and in case of his neglect, the Fence viewers are hereby impowred and ordered forthwith to cause such defective Fence or Fences to be sufficiently made up and repaired; and the Person or Persons to whom it belongs to make good such Fence, shall pay double the cost and charge expended for doing of the same. And in case of refusal or neglect to make payment as aforesaid, by the space of one Month next after an accompt presented and demand thereof made, such Fence viewers may recover the same by Action, Plaint or Information, to be brought before any Justice of the Peace within the same County, if the Sum exceed not *Fourty Shillings*; but if it be above that Sum than in the Inferiour Court of common Pleas.

And it is further Enacted by the Authority aforesaid,

That no Persons other than Proprietors and Freeholders in any Town or peculiar, shall let any Horse or Horse-kind run to feed upon any common



mon Land belonging to such Town or peculiar, and every such Proprietor and Freeholder may keep one Horse-beast upon the Common and no more, except such Proprietors and Freeholders every of whom have a ratable Estate within such Town or peculiar, of the value of *Fifty Pounds*, they to have the privilege of two and no more.

And the owners of all Horse-kind going upon the Common are required to cause the same to be entred with the Town Clerk, who is to keep a Book for that purpose, and therein set down as well the natural as Artificial marks, and for every such Horse or Horse-kind, shall pay a Fee of *three pence* to the Clerk for his entry: Such entry to be made at or before the Tenth day of *April* next, and so Annually, on pain that every Person neglecting so to do shall forfeit and pay the Sum of *Ten Shillings* for each default. And if any Freeholder or proprietor shall desire to put more Horses upon the Common than is herein before allowed, he shall first repair to the Town Clerk, and make entry of the Number and Marks thereof as aforesaid, and pay the Fee as aforesaid for every such entry, as also the Sum of *Five Shillings Per. head Per. Annum*, to the use of the Proprietors of such Commons on pain of forfeiting the Sum of *Ten Shillings Per. head* for such neglect.

*Horses going on the common to be Entred with the Town Clerk.*

And every Town and peculiar within this Province are required to choose Annually two meet Persons to see to the due observance of this Act relating to Horses, and to prosecute the breakers thereof: And if any Person so chosen shall refuse to serve, or neglect his duty in any of the particulars herein committed to his care he shall forfeit and pay the Sum of *Twenty Shillings* to the use of such Town.

*Persons to be annually chosen to see to the observance of this Act.*

And the Town Clerk of each Town respectively shall once in the year give an Account and pay into the Select men of the Town, so much as he shall receive by virtue of this Act for any Horse-kind going upon the Common.

*Town Clerk to account annually.*

All penalties and forfeitures arising for breach of this Act relating to Horses going upon the Common, shall be one Moiety thereof unto the use of the Persons to be appointed to see to the observance of this Act, and the other Moiety to him or them that shall inform and sue for the same, before any Justice of the Peace within the County.

*Penalties & forfeitures how to be disposed.*

And be it further Enacted by the Authority aforesaid,

That all Swine going at large on the Commons, shall be sufficiently Yoked from the first of *April* to the fifteenth of *October* yearly; and Ringed in the Nose all the year. And if any Swine be found unyoked or unringed, their owners shall be liable to pay *Six Pence Per. head*; and if found damage feasant being unyoked or unringed to pay *Twelve pence Per. head*, over and above double damages to the party injured. And the Haward or Field driver or any other Person may take up and impound such Swine.

*Swine to be yoked and ringed.*

And that there be paid unto the Haward or Field driver *One Shilling Per. head* for all Neat Cattle or Horses, and *Three pence Per. head* for all Sheep and Swine by him impounded.

*Fee for impounding.*

And to the Pound keeper *Two pence Per. head* for all Neat Cattle or Horses, and *one penny per. head* for all Sheep or Swine, for taking in and letting out, to be paid by the owners of such Creatures.

Penalty for  
Sheep going  
on the com-  
mon without  
a keeper.

And that for every Sheep in every Town going on the Commons without being under the hands of a Shepard, from the first of May to the last of October in every year; the owners or keeper of the said Sheep shall pay the Sum of *three pence* for every Sheep at any time so found running on the Common, not under the hand of a Shepard or keeper, betwixt the first of May and last of October yearly.

# AN ACT

For Enabling the Treasurer to call in the  
Arrears of Publick Rates, and dis-  
charging of Publick Debts.

**W**HEREAS by an Act made by this Court in the year One thousand six hundred ninety two; in the first Sessions Entituled, An Act for the Enforcing, Collecting and paying in the Arrears of Publick Assessments &c. The Constables and Collectors were thereby Enabled to collect said Assessments and ordered to Accompt with and make payments unto the respective Treasurers; and for default to be distrained as by said Act doth more fully appear: *Notwithstanding which many Constables and Collectors have neglected to Accompt with and pay to the respective Treasurers, as by said Act they were enjoyned; yet for such their neglect have not been proceeded with as said Law hath directed: By reason whereof great Sums remain uncollected and many Persons unpaid their just dues.*

Be it therefore Enacted by the Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

Constables or Collectors to  
accompt for  
& pay in the  
Arrears.

That all Constables or Collectors that have had any Tax or Publick Assessment committed to them to Collect in any Town, Village, or Precinct, within the late Colonies of the *Massachusetts* or *Plimouth*, since the first of October, *One thousand six hundred eighty nine*, until the Arrival of His Excellency the Governour; do forthwith Accompt with and pay to the Treasurer of the Province so much of such Taxes or Assessments as is in their hands or that they have not already paid or orderly discharged themselves of; which if they shall neglect or refuse to do; the Treasurer is hereby impowred and required to Issue out Warrants for so much as they have not paid or discharged themselves of as aforesaid, directed unto the Sheriff of the County where any such defective Constable or Collector dwells, requiring him to levy all such Arrears by distress and sale of such Constable or Collectors Estate, real or personal, returning the over plus (if any be) and if no Estate can be found, or not sufficient to discharge the same; then to commit him or them unto the Goal of the County,

Upon neglect  
of the Treasurer  
to grant war-  
rants for  
distress.

there



there to remain until he or they have paid and satisfied such Arrears with charges; except any Constable or Collector, as the Treasurer, by order of the Governour and Council, shall be directed to forbear; either for the whole, or part, in order to his procuring an abatement: as this Act hath hereafter provided.

And the Treasurer is hereby Ordered out of the Arrears of the whole Assessments, whether on the late Colonies of the *Massachusetts or Plimouth*; or that have been laid on the Province, to pay all such Debts due from the said Colonies respectively or from the Province as have been allowed by the former Governments, or by the Governour and Council, or that have been or shall be allowed by such Committees as have or shall be appointed for such end.

*Treasurer ordered to make payment of Debts*

And where any Constables or Collectors in any Town are dead, and have not adjusted the Accompts of the Assessments committed unto them respectively; the Treasurer is hereby impowred to bring his sute against the Executor or Administrator of such deceased Constable or Collector for the same, or what shall appear to be due.

*The Executor or Administrator of any deceased Constable &c. liable in case*

And forasmuch as divers Constables have informed that they have been disabled from Collecting the Rates committed to them to Collect before His Excellency the Governours Arrival, or the greatest part of them, by reason of the breaking up of some Towns in whole or in part, or by the Death or removal of divers Persons, or by the Select mens Rating some Persons that are brought into Extream Poverty by reason of the War, and others that never were able to pay.

Be it therefore Ordered and Enacted by the Authority aforesaid,

That all such Towns, Constables or Collectors that desire or expect any ease or abatement for or by reason of any of the above-named particulars, or have any other just cause to alledge for the same, do by themselves or by some meet Person in their behalf appear at Boston at or before the *Twenty fifth* day of March next before John Phillips and Peter Sergeant Esqs. Captain Nathaniel Byfield, Major Penn Townsend and Mr. Edward Bromfield or any four of them; who are hereby appointed and impowred to be a Committee for the receiving and hearing of the Allegations, Pleas or proofs as may be offered for any such allowance or abatement to be made as aforesaid, and to report the same unto this Court at their next Session; that so they may give order therein as to them shall appear just and reasonable: And for so much as shall not be by said Court allowed and abated, the Treasurer shall forthwith Issue out his Warrants as aforesaid, to levy the same by distress and sale of the Estate of such Constables or Collectors as were before indulged and forborn.

*Committee to receive Allegations or pleas for Abatement.*

Also it having been made to appear that several Warrants Issued out by the late Treasurer of the Province for making or Collecting of the Tax since His Excellency the Governours Arrival, have miscarried.

*Treasurer to issue out new warrants where the former have miscarried.*

Be it therefore Enacted,

That the Treasurer forthwith Issue out new Warrants to such Towns

and Places for such Sum or Sums the other were sent out for; which all Select men are forthwith to Assess, and Constables or Collectors to Collect by such Rules and under such penalties as by the Law relating to said Tax were made and enjoined.

*And whereas the Treasurer hath been Ordered to make payment of what remains due to several Persons that lent their Bills of Credit to this Province in or about June or July, One thousand six hundred ninety two; many whereof have been or may be longer unpaid then the time they were promised payment in.*

**Be it therefore Enacted,**

*Allowance to  
such as lent  
their Bills.*

That such as are not already paid ( discounting what they owe to the Province ) shall be allowed for what is due to them by the Treasurer, after the rate of *Six Per. Cent. Per. Annum*, for the value lent; from the Expiration of the time they lent the same for, until they be paid, or accept of the Treasurers order for payment of the same.

**And be it further Enacted by the Authority aforesaid,**

*Penalty on  
Constables or  
Collectors  
that exact or  
receive any  
Fee to hasten  
payment.*

That all Constables or Collectors shall duely pay and answer all Orders coming from the Treasurer out of the Publick Moneys in their hands, which they shall have Collected for any Publick Tax or Assessment committed or hereafter to be committed unto them to collect and that without delay. And if any Constable or Collector shall require, exact, receive, or take any Fee, Reward, Allowance or Abatement directly or indirectly from any Person or Persons to hasten or forward his or their payment; and be thereof convicted, upon complaint or Information brought before the Sessions of the Peace within the same County; such Constable or Collector shall forfeit and pay the Sum of *Five Pounds* over and above the Sum so taken; one half thereof unto Their Majesties towards the support of the Government, and the other half to him or them that shall inform and prosecute for the same.

# AN ACT

## For Bristol Fair.

**W**HEREAS the General Court of the late Colony of New-Plimouth did in the year of Our Lord, One thousand six hundred & eighty; Grant unto the Inhabitants of the Town of Bristol within said Colony, that they should have Liberty of keeping two Fairs in said Town of Bristol Annually for ever, one upon the third Wednesday and Thursday in May, and the other upon the third Wednesday and Thursday in November; And it being found by Experience that two days is not sufficient for the Transacting the business of said Fair; and that so late in November is inconvenient both with respect to Persons coming, it being many times very bad Weather, and the chief time for Selling fat Cattle being sooner.



Be it therefore Enacted by the Governour, Council, and Representatives Convened in Great and General Court, and it is hereby Enacted by the Authority of the same,

That from hence forth the said Fair shall be kept and held in Bristol aforesaid within this Province, upon the third *Wednesday, Thursday and Friday* in *May*, and on the third *Wednesday, Thursday and Friday* in *October* Annually for ever, and at no other time; any Law custom or usage to the contrary notwithstanding. *Times for holding Bristol Fair.*

# AN ACT,

## For Regulation of Seamen.

**W**HEREAS great loss and damage is frequently Occasioned to Trade and Navigation by Seamen deserting their Employ or Voyage they are entred upon, or being taken off from the same by Arrest and restraint for Debt, or pretence thereof.

## For Remedy whereof.

It is Declared and Enacted by the Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

That if any Inn-keeper, Victualler, Seller of Wine or strong Liquors, Shop-keeper or any other Person whatsoever, shall trust or give Credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the knowledge and allowance of the Master or Commander thereof; no Process or Attachment for any Debt so contracted without knowledge and allowance as aforesaid, shall be granted against or served upon such Mariner or Seaman, until he shall have performed the Voyage he is then entred upon, and be discharged of the same: And every Process granted contrary hereunto, and serving thereof, shall be deemed and adjudged utterly void in Law: And any Justice of the Peace within the same County before whom it shall be made appear, that any Mariner or Seaman belonging to any Ship or Vessel is committed or

*No Mariner or Seaman to be arrested for any Debt made whilst he belongs to a Ship &c.*

restrained upon Process granted for any Debt or pretention of Debt made whilst such Mariner or Seaman was engaged and actually entered and in pay on any Voyage, shall forthwith order his release.

And be it further Enacted by the Authority aforesaid,

*Penalty on  
Masters ship-  
ping Seamen  
first enter-  
tained on  
board ano-  
ther Ship &c*

That if the Master or Commander of any Ship or other Vessel shall Ship any Seaman, knowing him to be first entertained and Shipt on board another Ship or Vessel; Or after notice thereof given him shall not forthwith dismiss him; every such Master or Commander so offending, being thereof convicted, shall forfeit and pay the Sum of Five Pounds, one Moiety thereof to the use of the Poor of the Town where the offence was committed, and the other Moiety to him or them that shall inform and sue for the same by Action, Bill, Plaint or Information in any Court of Record; and such Seaman so Shipping himself shall forfeit and pay the value of one Months wages that he shall so agree for: to be recovered employed and disposed of in manner as aforesaid.

*Seamens Pe-  
nalty.*

And further it is Enacted,

*Seamen de-  
serting their  
service to be  
imprisoned.*

That if any Mariner or Seaman having Shipt himself on board any Ship or other Vessel to proceed in any Voyage, and under pay (the same being made appear by his hand set to the Masters Book or other writing of such Agreement) shall neglect his attendance and duty on board, and absent himself from his said Service, upon complaint thereof made to any Justice of the Peace within the same County, such Justice is hereby impowred to convent such Mariner or Seaman before him, and upon conviction of his so absenting himself as aforesaid, to commit him to Prison, that so he may be secured and forthcoming to proceed on the Voyage he has so agreed to, and to be delivered by order of the Justice that committed him, or some other Justice in the same County.

AN



An Addition

To the ACT for Establishing of  
Judicatories and Courts of  
Justice within this Province.

WHEREAS by said Act amongst other things therein contained It is Enacted, That it shall be in the Liberty of the party cast in any of the Inferiour Courts to appeal from the Verdict and Judgment given therein, unto the next Superiour Court within or for the same County, the case there to be tryed to a final Issue, or by a new Process once and no more to review the said case in the same Court where it was first tryed, and within the space of ten dayes after Judgment given upon such Tryal by review; the party agrieved may bring his Writ of Error for a Tryal of the said case at the next Superiour Court to be held within or for the same County, to receive a final Issue and determination; which said Clause referring to Reviews and Writs of Error, doth not extend to the Courts Established by said Act; and no Provision is thereby made for any Tryals heretofore had in the County Courts in the late distinct Colonies now united within this Province, which are now dissolved.

And whereas for want of due Provision and Remedy therein, great damage and Injury may Occur to some of Their Majesties good Subjects within this Province: For Redress whereof; and that no defect or want of Justice may in any manner happen or be.

Be it Enacted by the Governour, Council, and Representatives Convened in General Assembly, and by the Authority of the same,

That where any Tryal, Judgment, Sentence or Decree has been had given or made in any of the County Courts within the late Colonies of the Massachusetts or Plymouth, or Province of Maine, of what nature kind or Quality soever, the same have been there Tryed had given or made, since the year of our Lord, One thousand six hundred eighty and Six; and no Review or Appeal thereupon heretofore had and prosecuted: It shall and may be in the Liberty of either party ( Plaintiff or Defendant ) agrieved, within the space of Twelve Months next after the date of this present Act, and not afterwards, to bring his or their Action of Review to the Inferiour Court of Common Pleas to be held for the same County where the Action was first Tryed; and after Judgment or Sentence given upon such Tryal by review, the party agrieved may Appeal therefrom unto the next Superiour Court to be held within or for the same County, and the case there to receive a final Issue and determination, any Law usage or custom to the contrary notwithstanding; Regard being had in the Tryal of the merit of any such case, to the Laws then in force within the said Colonies respectively.

Review of  
cases tryed  
in the County  
Courts with-  
in the late  
Colonies.

Appeal



And forasmuch as the dayes and times appointed by the afore-recited Act for the holding of the Court of Quarter Sessions of the Peace and Inferiour Court of Pleas, within the County of Suffolk, do fall inconveniently to be attended, in respect of other Publick Occasions and Concernments of the Government.

Court of  
Quarter Ses-  
sions & In-  
feriour Court  
for Suffolk  
to be held in  
the Month's  
of July, Octo-  
ber January  
& April.

Be it therefore further Enacted by the Authority aforesaid, That from and after the end of the Month of March next, the same be altered: And that the said Court of Quarter Sessions and Inferiour Court of Common Pleas for the said County of Suffolk, be thence-forward held and kept at Boston on the first Tuesday in the Month of July, October, January and April yearly for ever, any Law usage or custom to the contrary notwithstanding.

Superiour  
Court of Ju-  
dicature &c.  
to sit at Ket-  
tery.  
& at Spring-  
field.

And be it further Enacted by the Authority aforesaid, That there be a Superiour Court of Judicature, Court of Assize and General Goal delivery, held and kept at Ketterey within the County of York (late the Province of Maine) upon Wednesday, the Week before the sitting of said Court at Ipswich, within the County of Essex; which is stated by Law to be held upon the Second Tuesday of May yearly.

And be it further Enacted by the Authority aforesaid, That there be a Superiour Court of Judicature, Court of Assize and General Goal delivery, held and kept at Springfield within the County of Hampshire, upon the last Tuesday of June yearly.

# AN ACT

## For a new Establishment & Regulation of the Chancery.

**W**HEREAS by an Act made and passed by this Court in the Year, One thousand six hundred ninety two, Entituled, An Act for the Establishing of Judicatories and Courts of Justice within this Province, amongst other things therein contained, It is Enacted, That there be a high Court of Chancery within this Province to be held and kept by the Governour or such other as he shall appoint to be Chancellor Assisted with Eight or more of the Council, at such times and places as the Governour or Chancellor for the time being shall from time to time appoint, with Power and Authority to hear and determine all matters of Equity &c: as in and by the said Act doth appear. Which Court so constituted is by Experience found not agreeable with the Circumstances of this Province in divers respects, nor then so well considered or foreseen.



Be it therefore Declared and Enacted by His Excellency the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same,

That the afore-recited Section or Paragraph in said Act and every Clause thereof so far as concerns or any wise relates unto the Constitution of said Court of Chancery be and hereby is repealed and made null and void to all intents and purposes as if the same had never been.

*Repeal*

And further it is Enacted by the Authority aforesaid,

That there be a high Court of Chancery within this Province which shall have Power and Authority to hear and determin all matters of Equity of what nature, kind, or Quality soever, and all controversies, disputes and differences arising betwixt Co-Executors, and other matters proper and cognisable for said Court, not relievable at common Law, and not otherwise; and to order *Subpenas, Attachments,* and other Process's; and to make Orders and Decrees Interlocutory and Definitive, and to Award Execution thereon.

*Court of Chancery.*

Which said Court of Chancery shall be holden and kept in Boston, by three Commissioners (being Freeholders within the Province) whom the Governour with the advice and consent of the Council shall nominate and appoint for that Service, assisted with Five Masters in Chancery to be nominated and appointed as aforesaid; unto whom References may be made, and Affidavits and Recogniscances taken before them, and to make Reports, and to do what else is proper for Masters in the Chancery.

*to be held by 3 Commissioners assisted with 5 masters in Chancery.*

And the said Commissioners and Masters in Chancery before they enter upon the Execution of their Commission, shall be Sworn before the Governour and Council, to the faithful discharge of their respective Offices and trust, and to do right to Poor and Rich according to the Rules of Equity and good Conscience, in all matters that shall be brought before them, and therein to proceed without delay.

*Commissioners & masters in Chancery to be Sworn.*

And the said Court are hereby Impowred to nominate and appoint, a Register and other Officers proper and necessary; and to Administer an Oath unto them, for the faithful discharge of their respective Offices and Trust.

*to appoint their Officers.*

And all Writts and Processes issuing out of the said Court, shall be under the Seal of the Province, and bear the Test of the said three Commissioners and returnable in said Court, which shall be alwayes open; and shall sit for the hearing and determining of Cases four times in the year. *Viz.* On the Second Tuesday of the Months of April, July, October, and January.

*Writts & Processes to be under the Seal &c. Time for sitting of said Court.*

Provided nevertheless, That either party not resting satisfied in the definitive Sentence, Judgment or Decree given in said Court, in any Personal Action, and none other, where the matter in difference doth exceed the value of Three hundred Pounds Sterling, may appeal from such Sentence,

*Appeal.*



Judgment or Decree, unto Their Majesties in Council, such Appeal being made in time and Security given according to the directions in Their Majesties Royal Charter in that behalf. As is provided and Enacted for Judgments to be given as aforesaid, in either of Their Majesties Courts of Judicature within said Province.

*Justices in  
Courts of Ju-  
dicature to  
Chancery for-  
feitures of  
bonds.*

*Saving for  
cases depend-  
ing.*

~~Provided~~ and any thing therein to the contrary contained notwithstanding, That the Justices in any other of Their Majesties Courts of Judicature, where the forfeiture of any Penal Bond is found, shall and here- by are Impowred to Chancery the same unto the just Debt and Damages.

And all Process already made shall be valid, and cases depending in Chancery, shall be proceeded in and carried on to a final Issue.

And be it further Enacted by the Authority aforesaid,

That the Fees to be demanded and paid in said Court, shall be these following and none other.

**For**

Every Subpoena, Two Shillings six pence

Every Injunction, Six Shillings

Every Commission, Ten Shillings

Every Attachment, Three Shillings

Attachment with Proclamation, Six Shillings

Commission of Rebellion, Ten Shillings

*Fees.* Sequestration or Writ of Error, Ten Shillings

Superfedeas, Six Shillings

Every Decree, Six Shillings

Copies of Bills, Answers, or other pleadings

According to the Fees already stated,

Twelve Pence Per. Page, of the number

of lines and words therein set down.

Filing Bills, Answers, Replications, Rejoinders,

and Surrejoinders, each, Three Shillings

Every Order or Rule of Court in any case, One Shilling

Every Oath Administred, One Shilling.

AN



## AN ACT,

For a present supply of the Treasury.

**W**HEREAS by report of the Treasurer of the Province, It has been made appear to this Court, that there is wanting a present supply of Money for payment for Provisions already taken up, and procuring further Stores thereof, and Cloathing for furnishing of the Souldiers imployed in Their Majesties Service, and support of the Garrisons for defence of Their Subjects and Interests within this Province, and for answering of the Publick Debts, and other payments allowed by this Court, and by His Excellency the Governour and Council. And whereas there is need of building and fitting of a small Vessel mounted with Ten Guns, and a suitable number of Oares, to Cruise on this Coast, for the better securing of Trade and Navigation.

Be it Enacted by the Governour, Council, and Representatives, Convened in General Court, and by the Authority of the same,

That for the ends aforesaid and no other, a certain number of the Bills of Publick Credit of the late Colony of the *Massachusetts*, to the Sum of Fifteen Hundred Pounds and no more, be by the present Treasurer issued and paid out of the Treasury, according to the Orders of the Governour and Council; Five hundred Pounds thereof forthwith to be improved for the building and fitting of such a Vessel as is aforesaid, as the Governour and Council shall give Directions: which number of Bills to the Sum of Fifteen hundred Pounds as aforesaid, shall be signed by the Treasurer of the Province, at their going out, in this manner: *going*  
*James Tabor, Treasurer of the Province of the Massachusetts Bay:*  
 And shall pass out of, and be returned into the Treasury again at the Sum or Value therein expressed and set down, and no more: The Treasurer to keep an exact Accompt of the number and Sum of each Bill which he shall so sign and deliver out: And the Province shall be and hereby is engaged to answer and make good the Value or Sum of all such Bills so signed and given out as shall be in the hands of particular Persons, in current Silver Money of this Province.



# AN ACT,

To prevent default of appearance of  
Representatives to Serve in the  
General Assembly.

**W**HEREAS there has been a Neglect in some Sheriffs, in Observance of Their Majesties Writt to them directed, for the Convening and holding of a great and General Court or Assembly, timely to issue forth their Precepts unto the severall Towns within their Bailiwick or Precinct, for the choosing of Representatives to serve in the great and General Court or Assembly, and have also not taken due care to have Returns of their said Precepts. And forasmuch as many Persons Elected for Representatives, and having Summons, are not careful to give their attendance accordingly, in due time, whereby the Publick Affayres for Their Majesties Service are prejudiced.

For Remedy whereof.

Be it Enacted by the Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same, It is Ordered and Enacted,

*Sheriffs to make out their Precepts in 7 dayes after Receipt of Their Majesties Writt.* That every Sheriff upon Receipt of Their Majesties Writt for the Convening and holding of a great and General Court or Assembly, shall forthwith make out his Precepts under his Seal in form as by Law is directed, unto the Select men of the severall Towns within his County, and cause the same to be safely conveyed and delivered unto one or more of such Select men within the space of Seven dayes at furthest next after his Receipt of such Writt as aforesaid; And shall likewise take effectual care for having his Precepts returned to him again from the said Towns respectively, with what shall be done pursuant thereto, by the day therein prefixed, and cause the same to be brought in, to the Secretaries Office as by Writt he is Commanded.

*Select men to cause the Town to be Assembled for choice of Representatives.* And the Select men of each Town upon Receipt of the Sheriffs Precept, shall cause the Freeholders and other Inhabitants of said Town duely qualified as in the said Precept is mentioned, to be Assembled and meet at such time and place as the Select men or the major part of them shall appoint, to Elect and depute one or more Representatives for such Town



Town as by Law they may, and shall cause the Person or Persons so Elected and deputed by the major part of the Electors present at such meeting, to be timely notified and Summoned by one or more of the Constables of said Town, to attend Their Majesties Service in the great and General Court or Assembly, upon the day and at the time and place appointed for holding of the same: And the Select men or the major part of them shall make Return of such Election under their hands upon the said Precept, or annexed thereto, in manner and form as by Law is Prescribed; and cause the same to be delivered unto the Sheriff of the County at or before the day therein perfixed for Return of the same; on pain that every Sheriff neglecting his duty in any of the particulars before mentioned, shall forfeit and pay the Sum of *Fifty Pounds*.

*Penalty on Sheriff's for neglect of duty.*

And every Select man or Constable in any Town neglecting his duty in any of the Particulars before mentioned, shall incur the pain and forfeiture of *Five Pounds*.

*Penalty on Select men & Constables*

And every Sheriff shall be allowed for his trouble and charge in sending out his Precepts, *Fourty Shillings*, to be paid out of the County Treasury.

*Sheriff's allowance.*

And the Select men to be paid by the Town for the charge of returning their Precept, for which shall be paid *three pence* a Mile.

*Select mens allowance.*

And be it further Enacted by the Authority aforesaid,

That every Person Elected to Serve a Representative for any Town in any great and General Court or Assembly, and being Summoned thereto, shall give his attendance at the said Court on the first day appointed for the Courts sitting (without reasonable and just Excuse for his absence, being made and allowed of by the house of Representatives) on pain of forfeiting the Sum of *Fourty Shillings*: Unless such Person being present at the Election, shall declare unto the Assembly his non acceptance of the Service, or upon notice thereof given him, shall forthwith signify his non acceptance unto the Select men by writing under his hand: In which case the Select men shall call the Town together again to Elect a new, that so they may Enjoy their priviledge.

*Penalty for Representatives non attendance the first day of the Court.*

That not any Town in this Province shall chuse any Representative, unless such be a Freeholder and Resident in that Town or Towns, such are chosen to Represent.

*Representatives to be Freeholders & Resident.*

And if any Person not duely qualified according to Law, shall presume to Vote in the choice of Representatives one or more for any Town; or shall put in more than one Vote for any one Person in such choice, being thereof convicted, he shall forfeit and pay the Sum of *Five Pounds*; one Moiety thereof unto Their Majesties for and towards the support of the Government, and the other Moiety to him or them that shall inform and sue for the same.

*Penalty on persons Voting, being not qualified.*

All Persons shall put in their Votes unfolded to the Select men or Constables appointed to receive the same.



Voters questioned to make Oath.

And that where any Person offering to give in his Votes for Representatives in any Town, shall be questioned by the Select men of the said Town as to his being capable by Charter to Vote; the said Person or Persons giving his or their Oath that they are *Bona fide*, worth *Fourty Pounds Sterling*, or an Estate of Freehold to the value of *Fourty Shillings Per Annum*, before a Justice of the Peace, or in the absence of a Justice of the Peace, before the Town Clerk, who is hereby impowred to Administer the same, he or they shall be accounted capable of Voting and put in his or their Votes accordingly.

Fines & forfeitures how to be disposed.

All Fines and Forfeitures arising for breach of this Act or any branch thereof, and not otherwise therein before disposed of, shall be unto Their Majesties for and towards the support of the Government; and be recovered by Action, Bill, Plaint or Information in any of Their Majesties Courts of Record.

## FINIS.

Representatives for any Town.

That every Person elected to serve a Representative for any Town in any year and General Court or Assembly, and being sworn in, shall be a Representative of the said Town, and shall be entitled to the same rights and privileges as the Representatives of the said Town, and shall be bound to the same duties and responsibilities as the Representatives of the said Town, and shall be subject to the same laws and regulations as the Representatives of the said Town, and shall be held accountable to the same for the same.

Representatives for any Town.

That no Person shall be a Representative of any Town in this Province, unless such Person be a Freeholder and Resident in that Town or Towns, and shall be chosen to Represent the same, and shall be entitled to the same rights and privileges as the Representatives of the said Town, and shall be bound to the same duties and responsibilities as the Representatives of the said Town, and shall be subject to the same laws and regulations as the Representatives of the said Town, and shall be held accountable to the same for the same.

Persons who are qualified to be Representatives.

That no Person shall be a Representative of any Town in this Province, unless such Person be a Freeholder and Resident in that Town or Towns, and shall be chosen to Represent the same, and shall be entitled to the same rights and privileges as the Representatives of the said Town, and shall be bound to the same duties and responsibilities as the Representatives of the said Town, and shall be subject to the same laws and regulations as the Representatives of the said Town, and shall be held accountable to the same for the same.

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